

COMMISSION MEETING MINUTES

Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

June 3, 2014

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:00 a.m. on June 3, 2014.

(a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Ron Brown
Thomas Cloud
Michael Corey
Kevin Goeden, representing the Commissioner, Department of Labor
John Hawkins, Chairman
Todd Hite, representing the Commissioner, Department of Health
James Hoch
Matt Mitchell
Patrick Richard
Craig Von Deylen

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services
Mara Snyder, Director, Legal and Code Services
Cecilia Ernstes-Boxell, Code Specialist
Denise Fitzpatrick, Code Specialist
Beth Sutor, Secretary

(c) James Schmidt, Deputy Attorney General, was present.

Chairman Hawkins advised those in the audience that Legal and Code Services would be operating short-staffed in July, August and September. He asked that those who would be filing variances to be prompt and make sure their applications are complete.

2. Old Business

Chairman Hawkins called for any corrections or a motion to approve the minutes of the May 7, 2014, meeting. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

3. Election of Fire Prevention and Building Safety Commission Vice-Chairman

Mara Snyder, Director, Legal and Code Services, advised the members of the Commission that the position of Vice-Chairman would be part of the statute under which they operated beginning July 1, 2014, and requested that a Vice-Chairman be elected, in order to be in office on July 1. Commissioner Corey nominated Commissioner Matt Mitchell for Vice-Chairman. Commissioner Brown seconded the nomination. It was voted upon and carried.

4. LSA Doc. #13-340 (2014 Indiana Mechanical Code) – Commission discussion and decisions concerning public comments received before, during, and after the public hearing

Commissioner Mitchell moved to approve the staff memo of May 28, 2014, with three corrections. Correction one was, in item 7, to change 410 IAC 7-24-29 to 410 IAC 7-24-79. Correction two was, in item 13, to add the word “raw” in front of sausage and in front of steaks. Correction three was, in item 15, to delete the item without substitution. Commissioner Corey made the second. It was voted upon and carried.

5. LSA Doc. #13-339 (2014 Indiana Building Code) – Commission discussion and decisions concerning public comments received before, during, and after the public hearing

Commissioner Von Deylen moved to approve the staff recommendations memo of May 28, 2014 with typographical and grammatical errors changed. Commissioner Richard made the second. It was voted upon and carried.

A proposed change, submitted by Bobby LaRue, requested that Section 1107.6.2 be deleted, and Section 1107.6.2.1 to read “Type A may be provided”. Commissioner von Deylen moved to approve these proposals, with the second by Commissioner Corey. It was voted upon and carried. His proposal for Section 1107.6.2.1.1 was not accepted.

Randy Gulley submitted an objection to the threshold of 100 to require panic hardware at A3 and E occupancies. He requested 50 be used. Commissioner Brown moved to accept the proposed change, with the second by Commissioner Cloud. It was voted upon and carried 6 to 3.

Mark Riffe submitted a proposed change to the language used in the definition of a townhouse. This had been covered in Staff Memo Item 14 and no further action was taken. Commissioner Von Deylen moved to deny his proposed change to still require NFPA 13 in the aircraft hangar exception. Commissioner Cloud made the second. It was voted upon and carried, with two nays. Commissioner Cloud moved to approve the proposed change to delete floor control valves in section 903.4.3. Commissioner Brenner made the second. It was voted upon and carried with one nay. Mr. Riffe was opposed to the amendment for Section 901.6.1 requiring 13D systems to be monitored. Commissioner Von Deylen moved to delete the amendment, with the second by Commissioner Mitchell. It was voted upon and carried.

Proposed changes by Ed Rensink had been covered in the block vote taken at the beginning of the discussion.

Gretchen White of the Indiana Apartment Association and Carlie Hopper of the Indiana Builders Association had submitted a proposed change to delete the requirement for carbon monoxide detectors in all I and R occupancies. Commissioner Brenner moved to delete the requirement without substitution. Commissioner Von Deylen made the second. It was voted upon and carried with one nay.

Tim Moehl had submitted a proposed code change dealing with the "50% rule". The Commission decided this issue should be addressed in a future rule-making.

Kim Paarlberg had submitted four proposals dealing with accessibility issues. The first was an objection to the multi-story dwelling unit definition stating it could result in a conflict with the Fair Housing Act. Commissioner Corey moved to delete the amendment and re-number accordingly. Commissioner Brown made the second. It was voted upon and carried. Her second was an objection to deleting the Type A unit requirement for R-2 occupancies. Commissioner Brenner moved to deny her proposal, with the second by Commissioner Von Deylen. It was voted upon and carried. Her third proposal was an objection to the deletion of visitable units under Sec. 13(g). Commissioner Von Deylen moved to delete the amendment and restore the cross-reference. Commissioner Brenner made the second. It was voted upon and carried. Her fourth proposal was an objection to the deletion of the Recreational Facilities section. Commissioner Cloud moved to deny the proposal, with the second by Commissioner Corey. It was voted upon and carried.

Randy Gulley had submitted several proposed changes, some of which had been addressed under proposals submitted by other parties as follows:

1. He requested that the wording for Sec. 10(y) be changed from "and located accordingly" and replaced with "by local ordinance". Commissioner Von Deylen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

2. He proposed that the language in the additional hose connections section should be the same language as used in the proposed 2014 Indiana Fire Code. Commissioner Mitchell moved to approve the language, "approved locations", as used in the Indiana Building Code. Commissioner Brenner made the second. It was voted upon and carried.

3. He requested that the atrium voice alarm amendment be changed to restore the last sentence in the model code to require the system. Commissioner Von Deylen moved to leave the language of the amendment as presented, with the second by Commissioner Mitchell. It was voted upon and carried.

4. His proposals concerning Group I-2 smoke alarms, R-1 smoke detectors, smoke vent inspection, and fire alarm system monitoring with auto dialers were requests to make the language used in both the Indiana Building Code and the Indiana Fire Code consistent. Commissioner Von Deylen moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

5. He proposed deletion of the amendment concerning smoke vent identification. Commissioner Mitchell moved to use the model code language, with Commissioner Von Deylen making the second. It was voted upon and carried.

6. He proposed amending the section on locking fire department connection caps to match his proposed language. Commissioner Von Deylen moved to accept the language, with the second by Commissioner Brown. It was voted upon and carried.

6. LSA Doc. #13-341 (2014 Indiana Fire Code) – Commission discussion and decisions concerning public comments received before, during, and after the public hearing

Commissioner Von Deylen moved to approve the staff recommendations memo of May 28, 2014 with typographical and grammatical errors changed. Commissioner Corey made the second. It was voted upon and carried.

Randy Gulley had submitted a proposal for more detailed language to the system out of service section amendment. Commissioner Mitchell moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

Brian Sauer had submitted proposals for pyrotechnics and bulk transport of flammable liquids. No action was taken as these items are already being corrected.

Randy Gulley submitted a proposal to use the fire apparatus access road definition in 502.1, Sec.6(c), in lieu of the language in Sec. 3(b)(35). Commissioner Brown moved to approve, with the second by Commissioner Cloud. It was voted upon and carried. Randy Gullery had submitted a proposal to have the amendment for locking fire department connection caps to be consistent with his proposal for the Building Code. Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried. He had submitted a proposal under increased occupant load, Sec. 11(d), to have “building official” changed to “code official” in both the Fire Code and Building Code. Commissioner Mitchell moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

The Fire Equipment Manufacturers’ Association had submitted an objection to the fire extinguishers, Sec. 10(11) amendment. It was noted this was usually addressed by local ordinance and no action was taken.

Mark Riffey had submitted an objection concerning sprinkler system reports, Sec. 10(h). Following discussion, the language was changed to read "two years from the date of the last inspection". Commissioner Mitchell moved to accept the language change, with Commissioner Von Deylen making the second. It was voted upon and carried.

Shelly Wakefield had submitted five proposals. Her submission for chapter title, Sec. 36(a), and transportation placards, Sec. 36(x), had been previously been approved. Her submissions for black powder storage, permits and residential uses were covered under statute and not considered for action.

7. Variances

Tabled Variances

Variance 14-05-14, Fifth Third Bank Security Entrance Vestibule – US 31, Indianapolis, and variance 14-05-15 Fifth Third Bank Security Entrance Vestibule – Washington Street, Indianapolis, had requested to be tabled. Commissioner Brenner moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

Variance 14-05-16, Oasis Diner, Plainfield, had been withdrawn by the proponent.

Variance 14-05-27, Shellbourne Conference Center Addition, Valparaiso, was represented by Susan Nash, architect. The variance had been tabled to allow the proponent to research a 13D sprinkler system, and she advised the Commission that the owner was now going to install the system. Commissioner Brown moved to approve with the addition of the 13D system. Commissioner Corey made the second. It was voted upon and carried.

Variance 14-05-36(a)(b)(c)(d), Central Noble High School Additions, Albion, was represented by Dennis Bradshaw, FP&C Consultants. He distributed revised applications and plans, noting that they now reflected a reduction in scope and provided items which had been agreed to in working with the local fire official, local building official, and local city officials. Those items had been listed on a graphic displayed on the revised plans. Variance (a) dealt with the building being over-area, (b) concerned travel distance, (c) dealt with corridors, and (d) addressed courtyard issues. Following discussion, Commissioner Brenner moved to approve with the condition that all items in the graphic on the revised plans be provided. Commissioner Richard made the second. It was voted upon and carried.

Variance 14-05-43, Tenneco North Plant West Addition, Ligonier, was represented by Tim Callas, J&T Consulting. He had been asked to provide information concerning the surrounding properties, and had provided an aerial photo of the owner's building and those nearby. Surrounding companies were identified by name and/or product. The proponent noted that the north wall of the sprinklered building would be protected with a water curtain. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

Regular Variances

Chairman Hawkins noted that variance 14-06-18, 8560 Broadway Merrillville Sprinklers, Merrillville, 14-06-20, Villa del Sol, Merrillville, and 14-06-21, Chi Omega Sorority Standpipe Removal, West Lafayette, were incomplete. Commissioner Von Deylen moved to table, with the second by Commissioner Corey. The Chairman called for any abstentions. Commissioner Mitchell noted he would abstain from voting on variance 14-06-4, The Hamptons, Noblesville. Commissioner Brown noted he would abstain on variance 14-06-2, White Lick Commons, Danville, 14-06-3, Maplecrest Apartments, Ft. Wayne, 14-06-4, The Hamptons, Noblesville, 14-06-5, Atrium Village, Ft. Wayne, 14-06-6, Redwood by Anson, Westfield, 14-06-7, Woodlands at Anson, Whitestown, and 14-06-8, Elmwood by Redwood, Brownsburg. Commissioner Hoch noted he would abstain from 14-06-25(a)(b), Project Emerald Garage, Ft. Wayne. And Commissioner Hawkins noted he would abstain from 14-06-32, Brownstown Central High School 2014 Safety & Security Improvements, Brownstown. Chairman Hawkins then called for any variances in the block vote to be called out. Variance 14-06-31, Old Town Oak, Topeka, and 14-06-33, Mast Woodworking, Nappanee, were called out for individual consideration. Commissioner Brenner moved to approve 14-06-31 and 14-06-33 to allow Commissioner Brown to cast his vote specifically. Commissioner Corey made the second. The motion was voted upon and carried, with one nay. Commissioner Brenner then made a motion to approve the remaining "A" and "B" variances. The second was made by Commissioner Corey. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 14-06-2 White Lick Commons, Danville
- (2) 14-06-3 Maplecrest Apartments, Ft. Wayne
- (3) 14-06-4 The Hamptons, Noblesville
- (4) 14-06-5 Atrium Village, Ft. Wayne
- (5) 14-06-6 Redwood by Anson, Westfield
- (6) 14-06-7 Woodlands at Anson, Whitestown
- (7) 14-06-8 Elmwood by Redwood, Brownsburg
- (8) 14-06-9 Walmart Neighborhood Market #6390, Indianapolis
- (9) 14-06-10 522 Graham Place, Bloomington
- (10) 14-06-11 Tom Wood Subaru, Carmel
- (11) 14-06-22 The Eiteljorg Museum Seasonal Shading Structure, Indianapolis
- (12) 14-06-23 Indiana Math and Science Academy Addition & Renovation, Indianapolis
- (13) 14-06-25(a)(b) Project Emerald Garage, Ft. Wayne
- (14) 14-06-27(a)(b)(c)(d) Regenstrief Institute New Headquarters, Indianapolis
- (15) 14-06-29(a)(b) Woodland Terrace Senior Apartments, Carmel
- (16) 14-06-32(a)(b) Brownstown Central High School 2014 Safety & Security Improvements, Brownstown
- (17) 14-06-34 Lilly K105A and K105B, Indianapolis
- (18) 14-06-36(a)(b) The Overlook at Notre Dame Building 2, South Bend

- (19) 14-06-37(a)(b) The Overlook at Notre Dame Building 1, South Bend
- (20) 14-06-40 Townhomes at park Meridian Buildings 10-11, Indianapolis
- (21) 14-06-41 Tate & Lyle Reactor Tank Addition, Lafayette
- (22) 14-06-42 Clifton Square, Indianapolis
- (23) 14-06-43(a)(b) Greenfield Crossing Shops Wings Etc, Greenfield
- (24) 14-06-44 Rose-Hulman Concession Stand & Restrooms, Terre Haute
- (25) 14-06-45 Keenan-Stahl Boys & Girls Club Addition, Indianapolis
- (26) 14-06-49(a)(b) University of Notre Dame Multidisciplinary Research Bldg, Notre Dame
- (27) 14-06-52(b) Westminster Village Independent Living, West Lafayette
- (28) 14-06-54 Brownsburg East Middle School Seclusion Room, Brownsburg
- (29) 14-06-55 Brownsburg West Middle School Seclusion Room, Brownsburg
- (30) 14-06-56 Brownsburg High School Seclusion Room, Brownsburg
- (31) 14-06-57 Delaware Trail Elementary School Seclusion Room, Brownsburg
- (32) 14-06-58 The McCurdy Apartments, Evansville
- (33) 14-06-59 Westminster Village Assisted Living Building C Addition, West Lafayette
- (35) 14-06-62(b) Indianapolis Racquet Club Storage Mezzanine, Indianapolis
- (36) 14-06-63(a)(b)(c) Clark Middle School Concession Building, St. John
- (37) 14-06-64(b) Finnie's Next Door, South Bend
- (38) 14-06-66(a)(b)(c) Indianapolis Zoo Orangutan exhibit, Indianapolis

The following variances were heard separately:

- (39) 14-06-1 Fresh Start Counseling Services, Merrillville

Staff had recommended this variance was not required. Commissioner Brenner moved that no variance was required. Commissioner Brown made the second. It was voted upon and carried.

- (40) 14-06-12 Mental Health America of Indiana Summer Canopy, Indianapolis

Debra Dial, Mental Health America of Indiana, spoke as proponent. Chairman Hawkins asked if they would be complying with Chapter 24 of the Fire Code. The proponent said they would be. Commissioner Cloud then moved to approve with the condition they comply with requirements of Chapter 24 of the 2008 Indiana Fire Code. Commissioner Von Deylen made the second. It was voted upon and carried.

- (41) 14-06-13 Gary Machinery LLC Paint Booth, Griffith

Mike Golec, General Manager, spoke as proponent. The business is phasing out the use of enamel paints, and requested a thirty day relief from the suppression system

requirement until the enamel paint supply has been depleted and the new booth has been installed. They will be using water-based paint exclusively from then forward. Following discussion, Commissioner Cloud moved to approve for a period of 45 days, with the second by Commissioner Von Deylen. It was voted upon and carried.

(42) 14-06-14 1899 Event Center at Central State, Indianapolis

Jason Burk, Halstead Architects, spoke as proponent. The existing, historic building is being refurbished to serve as an event facility. The new toilet rooms, needed to meet fixture-count requirements, were designed so as to impact the historic nature of the building as little as possible. The request was to allow the restrooms to not comply with accessibility requirements. One existing toilet room complies, with the exception of the door openings. Following discussion, Commissioner Brenner moved to approve with the condition that signs directing the public to the accessible restrooms be posted and that sinks have a clear turning radius. Commissioner Corey made the second. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 11:45 a.m. for lunch. It was called back to order at 1:00 p.m.

(43) 14-06-15 Jay County Fair Exhibition Hall, Portland

Rob Weaver, President of the Jay County Fair Association Board, spoke as proponent. Also present was Keith Pugh, architect. The request was to omit sprinklers in the new exhibition hall. To install a sprinkler system, a new 6" water line would have to be run 300 feet, requiring one city street, three drives and a section of security fence to be cut. A discussion of the type of events the building would house was held, and included receptions, dances, and other events in addition to fair exhibitions. Commissioner Richard moved to deny, with the second by Commissioner Brown. It was voted upon and carried.

(44) 14-06-16 Southern Winds apartments Building 5, Lafayette

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow this specific building to have two electrical services. The meters were to be clearly and individually marked. The local fire department did not object to the variance, but requested signs be posted on the meters alerting personnel to the fact there were two service panels for this building. Following discussion, Commissioner Brenner moved to approve with the condition that the service panels were marked as requested by the fire department. Commissioner Corey made the second. It was voted upon and carried.

(45) 14-06-17 LMO Investments Maple City Buildings Stairway, Goshen

Ron Richardson, contractor, spoke as proponent. A new exterior stairway had been constructed to access the three units on the second floor of the building, with a 7½" riser in lieu of the 7" riser allowed by code. The owner of the building has a storage and woodworking area, and intends to rent the two remaining spaces for storage. The stair was built as a second means of egress for the floor. Following discussion, Commissioner Cloud moved to approve with the condition that the second floor not be used for retail, with no public access. Commissioner Von Deylen made the second. It was voted upon and carried.

(46) 14-06-19 Midwest Torah Center, South Bend

Moishe Gubin, President, and Kuppel Lindow, Administrator, spoke as proponents. The center planned an addition to the building, which would then require sprinklering the entire facility. The request was to allow them to omit the sprinklers due to costs which would exceed their fundraising capabilities. They offered to install lit exit signs, hardwired smoke detectors, manual pull stations, strobe and horns, emergency lighting and fire extinguishers. Heat detectors would be installed in kitchens. Chairman Hawkins asked if they had considered installing a 13D system in the sleeping areas. The proponent was unfamiliar with the system, and asked to have the application tabled to allow him a chance to look into it. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

(47) 14-06-24 Indiana State University Science Building Renovation, Terre Haute

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow all but one section of the existing flat roof to remain flat, without the required tapered insulation, per the exception. A structural engineer had determined the roof was capable of supporting the anticipated rainwater ponding in addition to the code-required dead, snow and live loads. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(48) 14-06-26 Skylane Airport Inc. New Evansville Parking Hanger, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The request was to omit a 2-hour rated wall from the small, private aircraft storage building. The building was to house only small, private planes, with gas tanks smaller than the average-sized automobile tank. The hanger would have only seven single depth bays. A letter of support had been submitted by the Evansville Building Commission. Following discussion,

Commissioner Brown moved to approve with the condition that a 20 lb. ABC fire extinguisher be provided for each bay. Commissioner Corey made the second. It was voted upon and carried.

(49) 14-06-28 Perry County Detention Center and Sheriff's Office, Tell City

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow a handrail on the stair leading to the second floor cell tier to not extend 12 inches beyond the top riser as required. A security doorframe prevents the handrail from extending appropriately on one of the two handrails for the stairway. Following discussion, Commissioner Richard moved to approve, with the second by Commissioner Cloud. It was voted upon and carried.

Chairman Hawkins handed off the gavel to Vice-Chairman Mitchell, and stepped out of the meeting at this time.

(50) 14-06-30(a)(b)(c) 201 North Delaware Street 2nd and 3rd Floor Renovation, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Also present was Brian Mader, architect. Variance (a) was a request to allow one of the two handrails serving the stairway from the second to the third floor to not extend 12 inches beyond the top riser, as required by code, due to doorways. It also does not continue for one tread depth at the bottom of the stair. The second handrail complies. An elevator had been installed to aid in accessibility. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (b) was to allow a single handrail to serve the stairway from the first to the second floor, due to exterior windows and other existing elements interfering with installation. The stairway consists of 8 risers, is 44 inches wide, and complied with codes prior to 1986. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hoch. It was voted upon, and carried. Variance (c) was to allow the counter height in the kitchenette in the office break area to exceed the 34 inches allowed by code. Following discussion, Commissioner Hite moved to deny, with the second by Commissioner Cloud. It was voted upon and carried.

(51) 14-06-46 The Stables, Bloomington

Melissa Tupper, RTM Consultants, spoke as proponent. The owner had designed a structure intended to be used as a residence and barn, and had been granted a building permit by Monroe County Building Department. Construction had been started, but had not been completed beyond the barn at that time, and no certificate of occupancy had been issued. When the owner had begun using the barn as an events facility as a means

to support her family, they were advised to file a Chapter 34 so that she could use the barn for that purpose. It was then discovered by the building department that no certificate of occupancy had been issued, and that Chapter 34 was not an option. The variance request is to allow the use of Chapter 34 on a building for which no certificate of occupancy had been issued for the original use and to allow Chapter 34 to be used for the change from a Class 1 to a Class 2 structure. Jim Gerstbauer, Monroe County Building Department, stated that the owner and RTM had been working with them to resolve this issue. He asked the Commission if it was the intent of Chapter 34 to allow the construction of a residential building then turn around and change it to a commercial structure. The proponent noted that smoke detectors would be installed, and that a shunt provided that would cut power to audio equipment upon activation of the detector. There were 3 exits to the exterior, with a clear exit width of 96 feet to serve a calculated occupant load of 268 persons. A warming kitchen is provided, and panic hardware was to be installed on exit doors. Accessible restrooms and an accessible route to the building are provided. Following discussion, Commissioner Cloud moved to approve the use of Chapter 34 for this building. Commissioner Corey made the second. It was voted upon and carried.

(52) 14-06-47 Selah House, Anderson

Melissa Tupper, RTM Consultants, spoke as proponent. The request is to permit the additions to an existing building to comply with the 2005 Indiana Residential Code requirements. The facility, a residential treatment center for women with eating disorders, is an R-4 occupancy, and had originally been a private residence before it was converted. Kevin Troy, Dept. of Fire and Building Code Enforcement, stated that he had no objections to the variance. Following discussion of previous variances granted to the facility, Commissioner Corey moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

(53) 14-06-48 Solana Point Assisted Living, Indianapolis

Doug Trent, RTM Consultants, spoke as proponent. Six sinks in the facility have been installed for use by staff, and do not comply with the accessibility height requirement. These sinks are found in areas 1, 3, and 5. The request was to allow these sinks to remain at a non-compliant height. Following discussion, Commissioner Von Deylen moved to approve for those areas only, with the second by Commissioner Brenner. It was voted upon and carried.

(54) 14-06-50 Benteler Automotive Corporation Goshen Campus, Goshen

No proponent was present to answer questions. Commissioner Mitchell moved to table, with the second by Commissioner Hite. It was voted upon and carried.

(55) 14-06-51 1894 Lodge Expansion, New Washington

Kevin Nowlin spoke as proponent. The request was to omit the sprinkler system for the addition to the existing three-story brick building. There is a restaurant on the first floor with a seating capacity of 80, with the remaining two floors used for storage. The addition is an open-sided shelter house with restrooms for the patrons' convenience. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(56) 14-06-52(a) Westminster Village Independent Living, West Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the posted occupant load to be 100 for the rooftop terrace of an independent living facility, located on the roof of the parking garage, instead of the calculated occupant load of 687. The terrace will be used by the occupants of the 18 residential units and their guests, with two remote exits leading to enclosed stairways, discharging at grade. The building will be sprinklered, as well as the garage. Following discussion, Commissioner Mitchell moved to approve with the condition that the offered standpipes be added and the occupant load be posted. Commissioner Corey made the second. It was voted upon and carried.

(57) 14-06-53 Crown Point Van Drunen Farms, Crown Point

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow the building to be of unlimited area without the 60 feet of open yards on all sides. The new, sprinklered building will be separated from the existing, sprinklered S-2 Occupancy by a 3-hour fire wall. The west wall, 27 feet from a property line for a Post Office facility, will be 2-hour rated with 90-minute rated openings. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(58) 14-06-60 U.S. Steel No. 2 Boiler House Elevator, Gary

Matt Delks, Kone Elevator, spoke as proponent. The request was to omit fire alarm initiating devices. The elevators are to be used in an area which would be subject to false alarms due to the heat and ash from production. Commissioner Corey moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

Chairman Hawkins returned to the meeting at this time and resumed direction of the proceedings.

(59) 14-06-61 Holding Barn Restoration, Yorktown

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to omit sprinklers in the addition and the existing building which is a barn undergoing a Chapter 34 evaluation for a change in use from barn to banquet/reception hall. Smoke detection will be provided, as well as a shunt tied to the fire alarm system to kill power to audio equipment. The travel distance is 64 feet, and a clear exit width of 128" is provided. Following discussion, Commissioner Brenner moved to approve with the condition that an evaluation by a structural engineer, per Chapter 34, be done. Commissioner Von Deylen made the second. It was voted upon and carried.

(60) 14-06-62(a)(c) Indianapolis Racquet Club Storage Mezzanine, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request in variance (a) was to allow a mezzanine addition which would not comply with openness requirements of code. The proposed mezzanine would be used to consolidate storage for the pro shop, and would be occupied only when stock was retrieved. It would not be occupied by the public. Following discussion, Commissioner Brenner moved to approve with the condition that the aisles be clear and continuous to the exit. Commissioner Corey made the second. It was voted upon and carried. Variance (c) was to omit sprinklers for areas other than participant sport areas. The proposed storage mezzanine will be separated by a 1-hour separation, and will reduce fire hazards by consolidating storage from other areas of the building in an enclosed area. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(61) 14-06-64(a) Finnie's Next Door, South Bend

Ed Rensink, RTM Consultants, spoke as proponent. The existing building has a 16" masonry wall located on the property line between itself and the adjacent building. The request was to be allowed to use it as the required party wall for a Chapter 34 evaluation. The wall does not comply with current code for vertical termination, and may not comply with structural stability requirements. With sprinkler protection, steel beam and concrete construction, and the mass of the masonry wall, the proponent felt a new party wall would not provide additional safety benefit. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

Chairman Hawkins abstained from voting on variance 14-06-67, Kentucky Truck Sales 2014 Shop Addition, Jeffersonville, and handed off the gavel to Commissioner Mitchell to conduct the hearing for it.

(62) 14-06-67 Kentucky Truck Sales 2014 Shop Addition, Jeffersonville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the required 3-hour fire barrier and install an NFPA 13 sprinkler system on both sides of the existing metal exterior wall which was to be left in place during the addition. The owner's insurance company had requested sprinklers in lieu of a 3-hour fire barrier. The sprinklers will not be carried into the office area. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

Chairman Hawkins resumed direction of the meeting at this time.

(68) 14-06-68 Southside Tobacco, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow a change of use for a small tenant space without using Chapter 34 or complying with current code. The space had previously been a bar, and was now to be an M-occupancy with a much less concentrated occupant load. To use Chapter 34, the owner would have to re-file his plans with Plan Review as a new project, resulting in delay and extra expense. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

8. LSA Doc. # 13-342 (Indiana Fuel Gas Code) Commission discussion and possible adoption

Chairman Hawkins opened Commission discussion of LSA Doc. #13-342. Mara Snyder, Director, Legal and Code Services, reminded the members that they had received a memo from her dated May 28, 2014 with recommended changes to the proposed rule.

Commissioner Hite moved to approve LSA Doc. #13-342 as published in the Indiana Register on April 30, 2014, as DIN: 20140430-IR-675130342PRA, as amended by the staff memo dated May 28, 2014. Commissioner Mitchell made the second. It was voted upon and carried unanimously.

9. LSA Doc. # 13-339 (2014 Indiana Building Code) Commission discussion and possible adoption

Chairman Hawkins opened Commission discussion of LSA Doc. #13-339. Mara Snyder, Director, Legal and Code Services, reminded the members that they had received a memo from her dated June 3, 2014 with recommended changes to the proposed rule.

Following a brief discussion of the staff memo, Commissioner Von Deylen then moved to approve LSA Doc. #13-339 as published in the Indiana Register on April 30, 2014, as DIN: 20140430-IR-675130339PRA, as amended by the staff memo dated June 3, 2014, and as further amended to change the last line to read "facilities shall not exceed a distance of 500 feet". Commissioner Cloud made the second. It was voted upon and carried unanimously.

10. LSA Doc.# 13-340 (2014 Indiana Mechanical Code) Commission discussion and possible adoption

Chairman Hawkins opened Commission discussion of LSA Doc. #13-340. Mara Snyder, Director, Legal and Code Services, reminded the members that they had received a memo from her dated June 3, 2014 with recommended changes to the proposed rule.

Following a brief discussion of the staff memo, Commissioner Brown then moved to approve LSA Doc. #13-340 as published in the Indiana Register on April 30, 2014, as DIN: 20140430-IR-675130340PRA, as amended by the staff memo dated June 3, 2014. Commissioner Mitchell made the second. It was voted upon and carried unanimously.

11. LSA Doc.# 13-341 (Indiana Fire Code) Commission discussion and possible adoption

Chairman Hawkins opened Commission discussion of LSA Doc. #13-341. Mara Snyder, Director, Legal and Code Services, reminded the members that they had received a memo from her dated June 3, 2014 with recommended changes to the proposed rule.

Following a brief discussion of the staff memo, Commissioner Mitchell then moved to approve LSA Doc. #13-341 as published in the Indiana Register on April 30, 2014, as DIN: 20140430-IR-675130341PRA, as amended by the staff memo dated June 3, 2014. Commissioner Von Deylen made the second. It was voted upon and carried unanimously.

12. Reconsideration of variance 14-05-35, Buckskin Smith Creek, Elberfield

Melissa Tupper, RTM Consultants, addressed the Commission. The owners had priced the fabric structure for which they had been granted a variance, and had changed to a metal building of the same size. The question was if they would need to re-apply for their variance. Following discussion, consensus among the members of the Commission was that they would not be required to re-apply.

13. Reconsideration of Patterson Pointe PUD East, Bloomington

Ralph Gerdes, Ralph Gerdes Consultants, addressed the Commission. The request had been to allow the upper story 5.1 square feet windows to not comply with the code-required 5.7 square feet. It had been denied. Mr. Schmidt, Deputy Attorney General, questioned if a reconsideration in lieu of a request for appeal was the proper avenue to use in this case. It was discussed and the Commission was advised that an appeal had been filed, and it was determined that the request for reconsideration would be a more timely means to an end since the administrative law judge had not yet been replaced. Following a discussion of the ambiguity of the wording of the requirement and its contradictory measurements, Commissioner Cloud moved to approve the variance and to find the appeal moot. Commissioner Von Deylen made the second. It was voted upon and carried.

14. Discussion and possible Commission action

L.M. Zeller, Mark Zeller, Andrew Boeglin, et.al.
Administrative Cause No. 14-01
Order – Div. of Elevator Safety
Nonfinal Order Addressing Agency Order
Objection to Administrative Law Judge Order

Following discussion, the date of July 16, 2014 was selected as the deadline by which the parties were to file briefs. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

15. Discussion and Commission action on Petitions for Review (Timely filed unless otherwise noted.)

Emmanuel Childcare Ministry
Order – Fire and Building Code Enforcement

Jubilee Childcare Ministry
Order – Fire and Building Code Enforcement

Service 1 Marine Building – SBC #368593
Denial of Application

Commissioner Corey moved to grant the petition for review, with the second by Commissioner Mitchell. It was voted upon and carried.

16. Authorization of administrative law judges

Chairman Hawkins opened Commission discussion of the requested authorization for administrative law judges. Mara Snyder, Director, Legal and Code Services, gave a brief introduction of the deputy attorneys general who had agreed to serve as an administrative law judge for the Commission, and an explanation of their duties.

Commissioner Brenner then moved to authorize Donna S. Sembroski, Gordon E. White, and Kevin C. McDowell, all deputy attorneys general, to serve as administrative law judges for the Commission, including, without limitation, the authority to:

1. Assume all pending administrative cases before the Commission;
2. Act as administrative law judge for all new cases to come before the Commission;
3. Hear and rule upon petitions for stays of enforcement; and
4. Hear and decide appeals to Emergency Orders issued with respect to one or more violations of Indiana fire safety laws and/or Indiana building laws.

Ms. Sembroski's availability is to be determined first, then Mr. White's and then Mr. McDowell's. Commissioner Hoch made the second. It was voted upon and carried unanimously.

17. Comments – Chairman Hawkins

Chairman Hawkins noted that the electronic filing of variance applications had a "hiccup" develop in the affirmations step. A solution was being worked on, but, at this time, submitters would need to send a follow-up hard copy.

18. Comments – Mara Snyder

Mara Snyder, Director, Legal and Code Services, stated that the four rules adopted by the Commission would be filed with the Attorney General's office by June 13th. The Attorney General's office would have 45 days to review them. They would then go to the Governor who has 15 days to make a decision, with an option of an additional 15 days. The rules would be effective December 1, 2014.

19. Chairman Hawkins called for any further business. Hearing none, he then adjourned the meeting at 3:34 p.m.

APPROVED

John Hawkins, Chairman

DRAFT